Express Mail Label No. EV 354833805 US

UTILITY PATENT APPLICATION TRANSMITTAL
(Large Entity)

(Only for new nonprovisional applications under 37 CFR 1.53(b))

Docket No.
0701.123C

Total Pages in this Submission
4

TO THE COMMISSIONER FOR PATENTS
Mail Stop Patent Application
P.O. Box 1450
Alexandria, VA 22313-1450

Transmitted herewith for filing under 35 U.S.C. 111(a) and 37 C.F.R. 1.53(b) is a new utility patent application for an invention entitled:

HYDROXYLANSOPRAZOLE METHODS

and invented by:

William E. Yelle

If a CONTINUATION APPLICATION, *check appropriate box and supply the requisite information:*

☒ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: **10/046,464**

Which is a:

☐ **Continuation** ☒ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: **09/357,458**

Which is a:

☐ **Continuation** ☐ **Divisional** ☐ **Continuation-in-part (CIP)** of prior application No.: _____

Enclosed are:

Application Elements

1. ☒ Filing fee as calculated and transmitted as described below
2. ☒ Specification having **16** pages and including the following:
   - a. ☒ Descriptive Title of the Invention
   - b. ☒ Cross References to Related Applications *(if applicable)*
   - c. ☐ Statement Regarding Federally-sponsored Research/Development *(if applicable)*
   - d. ☐ Reference to Sequence Listing, a Table, or a Computer Program Listing Appendix
   - e. ☒ Background of the Invention
   - f. ☒ Brief Summary of the Invention
   - g. ☐ Brief Description of the Drawings *(if filed)*
   - h. ☒ Detailed Description
   - i. ☒ Claim(s) as Classified Below
   - j. ☒ Abstract of the Disclosure

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Application Elements (Continued)

3. ☐ Drawing(s) *(when necessary as prescribed by 35 USC 113)*
   a. ☐ Formal Number of Sheets _____
   b. ☐ Informal Number of Sheets _____
4. ☒ Oath or Declaration
   a. ☐ Newly executed *(original or copy)* ☐ Unexecuted
   b. ☒ Copy from a prior application (37 CFR 1.63(d)) *(for continuation/divisional application only)*
   c. ☒ With Power of Attorney ☐ Without Power of Attorney
   d. ☐ *DELETION OF INVENTOR(S)*
   Signed statement attached deleting inventor(s) named in the prior application, see 37 C.F.R. 1.63(d)(2) and 1.33(b).
5. ☐ Incorporation By Reference *(usable if Box 4b is checked)*
   The entire disclosure of the prior application, from which a copy of the oath or declaration is supplied under Box 4b, is considered as being part of the disclosure of the accompanying application and is hereby incorporated by reference therein.
6. ☐ CD ROM or CD-R in duplicate, large table or Computer Program (Appendix)
7. ☒ Application Data Sheet (See 37 CFR 1.76)
8. ☐ Nucleotide and/or Amino Acid Sequence Submission *(if applicable, all must be included)*
   a. ☐ Computer Readable Form (CRF)
   b. ☐ Specification Sequence Listing on:
      i. ☐ CD-ROM or CD-R (2 copies); or
      ii. ☐ Paper
   c. ☐ Statement(s) Verifying Identical Paper and Computer Readable Copy

Accompanying Application Parts

9. ☐ Assignment Papers *(cover sheet & document(s))*
10. ☐ 37 CFR 3.73(B) Statement *(when there is an assignee)*
11. ☐ English Translation Document *(if applicable)*
12. ☒ Information Disclosure Statement/PTO-1449 ☐ Copies of IDS Citations
13. ☐ Preliminary Amendment
14. ☒ Return Receipt Postcard (MPEP 503) *(Should be specifically itemized)*
15. ☐ Certified Copy of Priority Document(s) *(if foreign priority is claimed)*
16. ☒ Certificate of Mailing
    ☐ First Class ☒ Express Mail *(Specify Label No.):* **EV 354833805 US**

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Accompanying Application Parts (Continued)

17. ☐ Additional Enclosures *(please identify below):*

Request That Application Not Be Published Pursuant To 35 U.S.C. 122(b)(2)

18. ☐ Pursuant to 35 U.S.C. 122(b)(2), Applicant hereby requests that this patent application not be published pursuant to 35 U.S.C. 122(b)(1). Applicant hereby certifies that the invention disclosed in this application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publication of applications 18 months after filing of the application.

Warning

An applicant who makes a request not to publish, but who subsequently files in a foreign country or under a multilateral international agreement specified in 35 U.S.C. 122(b)(2)(B)(i), must notify the Director of such filing not later than 45 days after the date of the filing of such foreign or international application. A failure of the applicant to provide such notice within the prescribed period shall result in the application being regarded as abandoned, unless it is shown to the satisfaction of the Director that the delay in submitting the notice was unintentional.

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Fee Calculation and Transmittal

CLAIMS AS FILED

For	#Filed	#Allowed	#Extra	Rate	Fee
Total Claims	15	- 20 =	0	x $18.00	$0.00
Indep. Claims	1	- 3 =	0	x $86.00	$0.00
Multiple Dependent Claims (check if applicable) ☐					$0.00
				BASIC FEE	$770.00
OTHER FEE *(specify purpose)*					$0.00
				TOTAL FILING FEE	$770.00

☒ A check in the amount of $770.00 to cover the filing fee is enclosed.

☒ The Director is hereby authorized to charge and credit Deposit Account No. 08-1935 as described below.

- ☐ Charge the amount of as filing fee.
- ☒ Credit any overpayment.
- ☒ Charge any additional filing fees required under 37 C.F.R. 1.16 and 1.17.
- ☐ Charge the issue fee set in 37 C.F.R. 1.18 at the mailing of the Notice of Allowance, pursuant to 37 C.F.R. 1.311(b).

Signature

Dated: October 14, 2003

Philip E. Hansen Reg. No.: 32,700
Agent for Applicants

HESLIN ROTHENBERG FARLEY & MESITI P.C.
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Albany, New York 12202
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Fax: 518-452-5579

cc:

CERTIFICATE OF MAILING BY "EXPRESS MAIL"

Applicant: William E. Yelle

Title: HYDROXYLANSOPRAZOLE METHODS

Attorney Docket No.: 0701.123C

"EXPRESS MAIL" Mailing Label No.: EV 354833805 US

Date of Deposit: October 14, 2003

Enclosed are:

* Express Mail Certificate - Label No.: **EV 354833805 US**
* One (1) Acknowledgment Postcard
* Certificate of Mailing by Express Mail (1 page)
* Check for $770.00 (Utility Patent Application filing fee) (Large Entity)
* Utility Patent Application Transmittal (4 pages) (Large Entity)
* Patent Application (16 pages)
* Copy of Executed Declaration and Power of Attorney (4 pages)
* Copy of Information Disclosure Citation (1 page)
* Application Data Sheet (1 page)

37 CFR 1.10 Certification

I hereby certify that this paper and the indicated enclosures are being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and addressed to:

Mail Stop Patent Application
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Darlene Novak
(Typed or printed name of person mailing paper or fee)

Darlene E Novak
(Signature of person mailing paper or fee)